

HOUSE BILL 3337
By Maddox

AN ACT to amend Tennessee Code Annotated, Title 36, Chapter 6 and Title 36, Chapter 5, relative to child support.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 36-5-101(a), is amended by adding the following as a new, appropriately designated subsection:

36-5-101(a)(6)(A). In Title IV-D cases, upon compliance with the provisions of this subsection, any obligor parent shall be granted modification or termination of a child support order if the obligor does not owe arrearages to the obligee parent, any guardian or custodian of the child, the department of human services, or any other agency of the state of Tennessee, or any other Title IV-D agency of any state, and the costs of court have been paid. The obligor parent shall provide to the department written documentation of the following occurrences:

- (i) the marriage of the child or children;
- (ii) the death of the child or children;
- (iii) or the child or children has reached majority, and has graduated from high school, or the class of which the child is a member when the child attains eighteen (18) years of age, graduates, which ever occurs first.

Upon verifying the documentation submitted, the department shall terminate the child support order if there are no other children to whom the obligor is still obligated to pay support. If there are other children to whom the obligor is still obligated to pay support, the department shall modify the support order in accordance with the child support guidelines, upon the obligor's compliance with this subsection.

(B) Termination or modification of a child support order pursuant to this part shall be retroactive to the date of any of the occurrences in 36-5-101(a)(6)(A), provided that

the obligor parent provide proof of the occurrence to the department within one-hundred twenty (120) days of the occurrence. The obligor parent shall continue to pay support until the obligor parent has provided, proof to the department and the obligor parent has received notice of the termination or modification of support. Any support payments made in excess of the amount of support payments due shall immediately be distributed to the obligor parent upon termination or modification of the order.

(C) If the obligor parent is unable to obtain proof within one hundred twenty (120) days, the parent shall provide evidence that the parent has used all reasonable means to obtain such proof. The department shall then hold the support payments in a trust account, and the obligor shall seek a court order terminating or modifying support pursuant to this subsection.

SECTION 2. Tennessee Code Annotated, Section 36-5-503(a)(1)(C), is amended by deleting that subdivision in its entirety and substituting instead the following language:

The child or children has reached majority and has graduated from high school, or the class of which the child is a member when the child attains eighteen (18) years of age graduates, whichever occurs first, and no other special circumstances requiring the obligation to continue exist.

SECTION 3. Tennessee Code Annotated, Section 36-5-503(a)(5)(A), is amended by deleting the language "may" before the language "administratively terminate", and after the language "its contractor", and substituting instead the language "shall".

SECTION 4. Tennessee Code Annotated, Section 36-6-104, is amended by redesignating subsection (b) as subsection (c).

SECTION 5. Tennessee Code Annotated, Section 36-6-104, is further amended by adding the following language as subsection (b):

The local education agency shall provide proof of a child's graduation from high school to the department of human services, the department's contractor, or to either of the child's parents within twenty (20) business days of the department's, the department's contractor, or the parent's or parents' written request for such proof. The

local education agency shall not include any information that would violate any provisions protecting the child's privacy, or § 36-5-101(a)(4)(B)(iv).

SECTION 6. This act shall take effect upon becoming a law, the public welfare requiring it.